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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :
Jean-Marie SAINT-REMY et al. : Docket No. 01699/P.UCB.09/US
Serial No. 09/362,731 : Group Art Unit 1644
Filed July 29, 1999 : Examiner P. Huynh

COMPOUND AND METHOD FOR THE :
PREVENTION AND/OR THE TREATMENT
OF ALLERGY

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents,
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement dated January 30, 2001, the time for filing thereto being extended for one month in accordance with the Petition for Extension submitted concurrently herewith, Applicants hereby provisionally elect with traverse the invention of Group I, claims 1, 3-7, 9-12 and 17. Applicants also provisionally elect the species *Der pII* of house dust mite *Dermatophagoides pteronyssinus*, and Tetanus toxoid.

Applicants believe that the Examiner has mistakenly identified four inventions (Groups I-IV) in the currently pending claims. There does not exist any pending claims related to a compound comprising an antibody from B cell epitope and T cell epitope. Applicants believe that the Examiner has misinterpreted the scope and subject matter of the present claims.

The claims are clearly directed to a compound consisting of at least one allergen antigenic determinant which is recognized by a B cell or an antibody from a B cell of a non-atopic

individual to said allergen and at least one antigenic determinant of an antigen different from said allergen which triggers T cell activation.

Thus, Applicants respectfully request that the Restriction Requirement be changed to state that the Groups I and II clearly form a single invention as does Group III and IV.

It is noted that this election is made by the Applicants while retaining their right to file a Divisional Application directed to the non elected subject matter with the protection afforded by 35 USC § 121.

Claims 15 and 16, directed to non-elected subject matter, remain in the application. It is requested that they be permitted to remain in a dormant condition pending the filing of a divisional application.

It is also noted that the Applicants might request that the non-elected claims in Groups III and IV (claims 15 and 16) be rejoined upon allowance of the product claims in Groups I and II (claims 1, 3-7, 9-12 and 17).

The Examiner accordingly is requested to proceed with an examination on the merits.

Respectfully submitted,

Jean-Marie SAINT-REMY et al.

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